

**Amendments to the Drawings:**

The attached one sheet of drawings includes changes to FIGs. 1-2. This sheet replaces the original sheet containing the same figures. In both figures, the designation "Prior Art" has been added.

Attachment: One replacement sheet

## REMARKS

Claims 16-30 are presently pending in the application. Claims 16 and 30 have been amended to improve form and to correct minor informalities. No new matter has been introduced as a result of the amendments. Entry of the amendments and consideration of this Response are respectfully requested.

The drawings were objected to for informalities. In light of the present amendments to the drawings, applicant submits the objectionable matter has been overcome. Withdrawal of the objection is earnestly requested.

Claims 16 and 30 were objected to for minor informalities. In light of the present amendments to the claims, Applicant submits the objectionable matter has been addressed. Withdrawal of the objection is earnestly requested.

Claims 16-25 and 27-30 were rejected under 35 U.S.C. §102(b) as being anticipated by Wireless Application Protocol. MMS Encapsulated Protocol, Version 05-Jan-2002 (hereinafter "QAP"). Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over WAP in view of Aho (US Patent Pub. 2001/0010685). Applicant respectfully traverses the above rejections.

Specifically, the cited art, alone or in combination, fails to teach or suggest the features of "providing, upon non-deliverability of the data to the second communications unit, an item of information concerning the non-deliverability of the transmitted data in the transmission status message; and wherein the non-deliverability of the data sent applies if one of the correct receipt of the data sent and a recipient notification message concerning the data to be transmitted to the second communications unit is not acknowledged by the second communications unit via a respectively associated confirmation message" as recited in claim 19, and similarly recited in claim 27. Under the recited configuration, the features address the situation where a MMS message was correctly sent, but not received yet by the receiving device. Typically, under the WAP protocol, information/message regarding the sending of the message is provided for (see "Delivery.ind" and "X.Mms-Status" messages, WAP, section 6.5, page 19 and 7.2.23). The message informs the MMS sender of the status of the message, where the message is created at the network element (M-SR) after receiving acknowledgment from the sender. However, as just

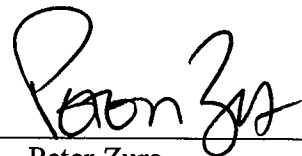
explained, the message is not delivered directly from the sender to the receiving unit, but is created at a network element. If the sender of an MMS receives the requested MMS transmission status message relating to a sent message, the sender cannot determine, for example, if the message expired, was not downloaded, or if the receiving unit was not available (see amended specification page 5, lines 1-13).

The WAP document does not teach or suggest the aforementioned configuration, and merely describes the status of a message being sent from the sender, discussed above. For example, in section 7.2.20, the "Response-Status" field is described within the "M-Send.conf" message (see section 6.1.2, page 14). This configuration is acknowledged in FIG. 2 and related text in the present specification (page 13, line 8 - page 14, line 30), which is believed to be consistent with the disclosure in the WAP document. However, the "M-Send.req" message provides error and status information with regard to the sending of the MMS message, but not the receiving (i.e. delivery) of the message. Should an error status appear in the message, this means that there was no transmission of the message. It follows that this would mean that there was no attempt at delivering the message as a result. For at least these reasons, Applicant submits the rejection is improper and should be withdrawn.

Based on the foregoing, the Applicant respectfully requests withdrawal of the claim rejections and allowance of the application. If there are any additional fees that are due in connection with this application as a whole, the Examiner is authorized to deduct those fees from Deposit Account No. 02-1818. If such a deduction is made, please indicate Attorney Docket No. 0112740-1015 on the account statement.

Respectfully submitted,

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